



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 21

CERTIFIED MAIL # 7000 1670 0002 9182 9228
RETURN RECEIPT REQUESTED

In Reply Refer to:
EPA File No: 18R-99-R5

(b) (6) Privacy

New Boston, Michigan 48164

Re: Letter of Rejection

Dear (b) (6) Privacy

On July 19, 1999, you filed a complaint with the U.S. Environmental Protection Agency's Office of Civil Rights. It states that you are filing a Title VI complaint against the Michigan Department of Environmental Quality with respect to permits #M-452 and M-453 issued to Environmental Disposal Systems, Inc., to drill and operate two deep waste disposal mineral wells in the City of Romulus, Michigan. The purpose of this letter is to inform you that your complaint has been rejected by EPA.

On August 24, 2001, EPA sent you a letter requesting clarification of your complaint. In that letter, EPA explained the jurisdictional requirements that a complaint must meet under EPA's Title VI regulations in order to be accepted for investigation. 40 C.F.R. Part 7. The letter also explained that your complaint did not meet the jurisdictional requirements because it did not provide facts that describe an alleged violation of Title VI. EPA gave you the opportunity to submit information describing an alleged violation of Title VI and requested that you indicate whether you were an authorized representative of the individual(s) that you alleged were being discriminated against by MDEQ's actions.

EPA has carefully reviewed your October 5, 2001, response to our request for clarification. In your response, you state that the discriminatory act by the MDEQ was that "MDEQ entered into a consent agreement with Environmental Disposal Systems, and would not allow the City of Romulus to have any input in this process." The consent agreement to which you refer was entered into by MDEQ and EDS on January 12, 1999, which is more than 180 days from July 19, 1999, the date on which your complaint was filed. Based on these facts, EPA has no recourse but to consider your complaint untimely under the jurisdictional requirements found in 40 C.F.R. Part 7. Therefore, OCR must reject your complaint.



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If you have any questions, please contact Eva Hahn by phone at (202) 564-8186, or by mail to the U.S. EPA, Office of Enforcement and Compliance Assurance (Mail Code 2201A), Title VI Task Force, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,


Karen Higginbotham
Acting Director

cc: Mr. Russell J. Harding, Director
Michigan Department of Environmental Quality
P.O. Box 30473-7973
Lansing, Michigan 48909-7973

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